REMARKS

Applicants intend this response to be a complete response to the Examiner's 24 May 2005, Election/Restriction Requirement and Supplemental Response to 4 October 2005 Non-Final Office Action. Applicants have labeled the paragraphs in his response to correspond to the paragraph labeling in the Office Action for the convenience of the Examiner.

RESPONSE TO 25 MAY 2005 ELECTION/RESTRICTION REQUIREMENT

Election/Restriction Requirement

Applicants' attorney apologizes for adding claims that he did not believe stepped outside of the confines of the original election requirement. To remedy this unintended result, Applicants have added new claim 38 which is a slight variation of original claim 1. The amendments is simply to change the term "material' to "material-to-be-treated" to provide antecedent basis for other claims depending therefrom. The amendment was not conditioned upon a statutory rejection, but is an amendment without consequence as it merely changes the name of the material that is being cleaned.

Because new claim 38 from which all other claims depend is either identical to or substantially identical to claim 1, the originally elected subject matter, there should be no necessity for a restriction requirement as claims 25-37 now depend from claim 38 - claim 1 with a minor modification. Applicants, therefore, request withdrawal of this Election/Restriction Requirement.

SUPPLEMENT RESPONSE TO 4 OCTOBER 2004 NON-FINAL OFFICE ACTION

Rejections Under 35 U.S.C. §112, ¶1

Claims 1-24 stand rejected under 35 U.S.C. § 112,11 as based on a disclosure which is not enabling.

The Examiner contends:

> The method without extraction and separation steps, which are critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew,* 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). The contacting step alone would not produce a clean material. The contacting step would only produce a mixture of the fluid, the material, and contaminants. The essential steps needed to produce a clean material or different products are not included in the claims.

Applicants have canceled claim 1 and added new claim 38.

Rejections Under 35 U.S.C. §112, ¶2

Claims 2, 11, 18 and 22 stand rejected under 35 U.S.C. § 112, ¶2 as being indefinite.

Applicants have amended claim 2 to remove the term "comprising" after "consisting of," and Applicants have canceled claims 11, 18 and 22. Applicants, therefore, respectfully request withdrawal of this § 112, ¶2 rejections. Applicants also not that this amendment is not a narrowing amendment as it merely removes a word that is inconsistent with the term "selected from the group consisting of."

Claims 14-16 stand rejected under 35 U.S.C. § 112, ¶2 as being indefinite.

Applicants have amended claims 14-16 to reference claim 25. Applicants have added new claims 26-37, which are analogous to claims 14 through 16, but reference claims 5, 7, 8 and 9, respectively. Applicants believe that these amendments remove any § 112, ¶2 rejections and respectfully request withdrawal of same. Applicants also point out that the claims are not narrowed because they refer to products of the method from which they are derived.

Rejections Under 35 U.S.0 §102

Claims 1-2, 4-11, 13-18, 20-22, and 24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by the CFSI article. Applicants traverse and respectfully request reconsideration based on the above claim amendments, if any, and the remarks presented herein.

Applicants have canceled claims 1, 10-13 and 17-24, obviating this rejection as it pertains to these claims. Applicants have added new claim 38, which is substantially the same as claim 1. CFSI does not disclose the cleaning of material that includes Applicants have added new claim 25. New claim 25 includes a tubular reactor not disclosed in the CFSI article. Because the method of claim 25 is not identically disclosed in the CFSI article, the CFSI article cannot anticipate claim 25 and its dependents. Applicants, therefore, respectfully request withdrawal of this § 102(b) rejection.

Rejections Under 35 U.S.0 §103

Claims 3,12,19 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the CFSI article. Applicants traverse and respectfully request reconsideration based on the above claim amendments, if any, and'the remarks presented herein.

The Examiner contends:

The CFSI teaches the claimed method except for the use of a mixture of carbon

dioxide with other disclosed fluids. However, it would have been obvious to an ordinary artisan at the time the invention was made to use a mixture of the disclosed fluids with reasonable expectation of adequate results in order to more completely remove contaminants using different solubility properties of the different fluids.

Applicants have canceled claims 1, 10-13 and 17-24, obviating this rejection as it pertains to these claims. Applicants have added new claim 25. New claim 25 describes a method that is not disclosed, taught or suggested in the CFSI article. The reactor system is not disclosed, taught or suggested in the CFSI article, nor is the solids removal venturi valve associated with the first separation vessel. Because the CFSI article does not disclose, teach or suggest the method of claim 25 especially with the tube, within a tube, within a tube reactor design having a semi-permeable membrane for water and aqueous contaminant removal, Applicants request withdrawal of this § 103(a).

Having fully responded to the Examiner's Non-Final Office Action, Applicant respectfully urges that is application be passed onto allowance. If it would be of assistance in resolving any issues in this application, the Examiner is kindly invited to contact applicant's attorney Robert W. Strozier at 713.977.7000.

Date: **27 June 2005**

Robert W. Strozier, Reg. No. 34,024
Attorney for Applicants